

MEMORANDUM OF UNDERSTANDING

Between the
Washington State Department of Ecology
and the
Washington State Department of Health

Related to the

COORDINATION OF THE DEPARTMENT OF ECOLOGY'S WATER RESOURCES PROGRAM AND
THE DEPARTMENT OF HEALTH'S DRINKING WATER PROGRAM
for the
STATE OF WASHINGTON

This Memorandum of Understanding (MOU) is made and entered into by and between the Washington State Department of Ecology (Ecology) and the Washington State Department of Health (DOH) pursuant to the authorities granted them by statute, including chapters 90.54, 90.44, 90.22, 90.14, 90.03, 43.27A, 43.21A, 43.21, 18.104, 70.119, and 43.20 RCW.

Purpose and Scope

Ecology, through the Water Resources Program, is responsible for the protection, management, and development of the state's water resources. DOH, through the Drinking Water Program, is responsible for the protection of public health by assuring safe and reliable drinking water.

The purpose of this MOU is to identify issues of mutual concern to Ecology and DOH which can be better managed through enhanced agency coordination and communication. This memorandum identifies areas of concern for which specific implementing agreements are needed and establishes the framework within which such agreements will be developed and implemented by agency program managers. Additionally, it is intended to assure coordinated action by both agencies, to provide a mechanism by which the two agencies can alert each other on upcoming issues, and to avoid conflicting agency policies.

Agency Primary Responsibilities Related to Water Resources Management

Department of Ecology

Ecology, through the Water Resources Program, is responsible for the administration of state water resource laws. In administering these laws, Ecology:

- Promotes the proper use of the state's water resources in order to protect the public health, welfare and safety, and the economic well being of the state and the preservation of its natural resources and aesthetic values.
- Administers the water rights permit system.

- Implements regional water resource management plans.
- Approves (or disapproves) petitions for the reservation of future public water supplies.
- Regulates surface and ground water withdrawals, construction of water wells, and well identification.
- Oversees the development of Ground Water Management Area programs to assure ground water quantity, protect ground water quality, and to provide for efficient management of water resources for meeting future needs while protecting existing water rights.
- Establishes instream flows for the preservation of instream resources.
- Cooperates with federal, state, and local agencies and Indian tribes to develop and administer programs to protect water resources.
- Reviews and approves (or disapproves) Water General Plans.
- Provides leadership in statewide conservation activities and reviews water system conservation plans.

Department of Health

The DOH has broad responsibility for public health programs. The DOH administers rules and regulations adopted by the State Board of Health for the purpose of protecting public health, including those related to public water systems.

In administering these laws, the DOH Drinking Water Program:

- Enforces those portions of the Federal Safe Drinking Water Act relating to public water systems.
- Administers "The Rules and Regulations of the State Board of Health Regarding Public Water Systems" (Ch. 246-290 WAC). The state board of health regulations authorize a statewide water quality monitoring program, review and approval of utility facility improvements, resource protection activities, and a comprehensive water system planning program.
- Administers the public water system coordination act which includes coordination and planning on a regional basis. (Ch. 70.116 RCW and Ch. 173-590 WAC).
- Maintains a data base of public water system characteristics and data.
- Participates in Groundwater Management Act planning activities.
- Reviews and approves (or disapproves) Water General Plans.

- Reviews and approves public water systems conservation plans.

Coordination and Cooperation with Other Agencies and programs

The development of some implementing agreements may require the involvement of agencies or programs not party to this agreement. Whenever statutory requirements mandate that another agency be consulted during the development of an implementing agreement or when both Ecology and DOH agree that it is necessary to involve another agency or program, that agency and/or program shall be notified early in the planning process and their participation requested.

Appeals Process

If, in the execution of implementing agreements for this MOU, difference(s) of opinion cannot be resolved to the satisfaction of the involved agency staff, Ecology and DOH staff will consult their own Section Supervisor, Program Manager, Assistant Director/Secretary, or equivalent level for the purpose of obtaining guidance that may resolve the problem. After consultation, the agency staff will again make reasonable attempts to resolve the issues with their other agency counterparts.

If the agency staff still cannot resolve the difference(s) of opinion regarding the issue, a meeting will be arranged between the managers consulted. These managers will be responsible for resolution of the issue. If questions exist for which statutory authority is not clear, or if statutory authority conflicts, or if new rules or procedures are necessary, the managers will make recommendations to their respective agency Assistant Director or Assistant Secretary.

Schedule

This MOU shall be effective when signed by both parties and may be terminated upon 30 days written notice by either agency.

Amendments

This MOU and all attached appendices may be amended at any time by mutual written consent of the involved agencies.

Specific Actions and Agency Roles

Program Managers, representing the Director of Ecology and the Secretary of DOH, shall develop and execute the specific implementing agreements including, but not limited to, those listed below.

The following subject areas will be addressed as separate or combined implementing agreements and will be attached as appendices to this MOU.

- Water rights and system design approval procedures (including water availability, land use consistency and water system plan coordination).

- Water conservation plan review and approval procedures (including conservation requirements and review procedures for water system plans, coordinated water system plans, water rights, and water reservations).
- Individual water system plan review and approval procedures.
- Water system Interties.
- Water resource planning responsibilities including activities relating to:
 - The Public Water System Coordination Act
 - Public Water Supply Reservation
 - Water Use Efficiency
 - Groundwater Management Act
 - Wellhead Protection Planning
- Water quantity and water quality related responsibilities such as seawater intrusion.
- Data collection, reporting and management.
- Others as appropriate (utility ownership, water well construction, well identification, etc.)

Ecology and DOH staff shall meet regularly to discuss:

- the status of the MOU's
- identification of issues to be addressed
- schedules for their completion
- workplans and staffing
- training needs
- legislative matters, and
- other topics as appropriate

10-6-92
Date

/s/ Terry Husseman
Terry Husseman, Assistant Director
Washington Department of Ecology

10-2-92
Date

/s/ Eric Slagle
Eric Slagle, Assistant Secretary
Washington Department of Health